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April 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Certificate of Correction Branch

Certificate
MAY 03 2006
of Correction

Re: CERTIFICATE OF CORRECTION TO:

United States Patent No. 7,028,964
Title: TUBULAR STRUCTURE FOR SUPPORTING A PRODUCT
Inventor(s): James BAECHLE
Assignee: Sonoco Development, Inc.
Serial No: 10/707035
Filing Date: November 17, 2003
Issue Date: April 18, 2006
Our Ref: (4096) 54-6509-00-1

Dear Commissioner:

As attorney for the above applicant, I enclose a completed Certificate of Correction with respect to this recently issued patent.

The error is a transcription error. A copy of the Amendment filed immediately prior to the Notice of Allowance is enclosed.

Sincerely,

Harold J. Fassnacht
Reg. No. 35,507

MAY 5 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,028,964

APPLICATION NO.: 10/707,035

ISSUE DATE : Apr. 18, 2006

INVENTOR(S) : BAECHLE

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 4, line 51: Delete "fanned" and replace with --formed--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AMENDMENTS TO THE CLAIMS

Claims 1-7 (cancelled)

8. (withdrawn) A method of making a base pad for cushioning and supporting a product comprising the steps of:

forming a tube into a desired cross-sectional shape;

cutting V-shaped sections out of the tube; and

folding the tube at the V-shaped sections and bringing the opposite ends together to form a base pad.

9. (withdrawn) The method of claim 8 further comprising the step of attaching the opposite ends after they are brought together.

10. (withdrawn) The method of claim 8 further comprising the step of forming a pocket in one or more corners of the frame for receiving vertical stacking and cushioning posts.

11. (withdrawn) The method of claim 8 further comprising the step of forming holes in the frame to allow feet of the product to protrude into the frame to position the product on the base pad.

Claims 12-13 (cancelled)

14. (new) A base pad for supporting a product, the base pad comprising a linear, elongated hollow tubular member having a plurality of segments joined at their ends along fold lines, the tubular member being folded along the fold lines to form a polygonal frame having corners such that each segment becomes a side of the polygonal frame, the segments comprising:

a first horizontal section forming the bottom of the base pad;

an outer vertical section extending upward at a right angle from the first horizontal section, the juncture of the first horizontal section and the outer vertical section defining an outer apex;

a second vertical section extending upward from the first horizontal section distant the outer apex;

a product supporting surface extending horizontally from the second vertical section toward the outer vertical section;

a first vertical section extending upward from the product supporting surface; and

a top section extending from the first vertical section to the outer vertical section;

wherein the fold lines are formed in the outer vertical section, and wherein portions of the first vertical section and the top section at either end of each segment adjacent the corners are cut out to define pockets to accommodate vertical stacking and cushioning posts.

15. (new) The base pad of claim 14 further comprising holes disposed in the product supporting surface and configured for receiving product feet.

16. (new) The base pad of claim 14 wherein the first horizontal section has an integrally formed bead extending upward toward the product support surface.

17. (new) The base pad of claim 16 wherein the bead has opposing sides and an apex that abuts the product support surface.

18. (new) The base pad of claim 14 wherein the linear, elongated hollow tubular member is formed from wound paperboard.

claim
19. (new) The base pad of claim 14 wherein the linear, elongated hollow tubular member is formed from extruded plastic.

20. (new) The base pad of claim 14 further comprising a second horizontal section extending horizontally from a distal end of the first horizontal section distant from the outer apex to the second vertical section.

21. (new) The base pad of claim 14 wherein the polygonal frame has four sides.

22. (new) The base pad of claim 14 wherein the linear, elongated hollow tubular member has opposing ends which, when the tubular member is folded into a polygonal frame, are joined together.

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REMARKS

Status of the Application

Claims 1-13 are pending. Claims 8-11 have been withdrawn from consideration. Claims 1-7, 12 and 13 are rejected.

Section 102 Rejections

Claims 1, 2 and 4-7 have been rejected under 35 U.S.C. Section 102 as being anticipated by Tarte U.S. Patent No. 3,097,684. In response, applicants have deleted claims 1,2 and 4-7.

Claims 1, 2, 5 and 12 have been rejected under 35 U.S.C. Section 102 as being anticipated by Gottlieb U.S. Patent No. 5,473,995. In response, applicants have deleted claims 1,2, 5 and 12.

Section 103 Rejections

Claim 3 has been rejected under 35 U.S.C. Section 103 as being unpatentable over the Gottlieb '995 patent in view of Propst U.S. Patent No. 4,279,204. In response, applicants have deleted claim 3.

Claims 4, 6 and 7 have been rejected under 35 U.S.C. Section 103 as being unpatentable over the Gottlieb '995 patent in view of the Tarte '684 patent. In response, applicants have deleted claims 4, 6 and 7.

Claim 13 has been rejected under 35 U.S.C. Section 103 as being unpatentable over the Gottlieb '995 patent in view of Morgan U.S. Patent No. 5,440,998. In response, applicants have deleted claim 13.

New Claim 14

New claim 14 has been added. Applicants submit that this claim and its dependent claims are allowable over the prior art of record, including Tarte, Gottlieb and Ashley, for at least

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the following reasons.

Tarte 3,097,684

i. Tarte does not teach cut out portions

New claims 14-22 require that “portions of the first vertical section and the top section at either end of each segment adjacent the corners are cut out to define pockets to accommodate vertical support posts.” Support for this limitation is found at paragraph 0020 in the specification as filed. None of the cited references, including Tarte, discloses this limitation. Tarte clearly has no such cut out portions.

Gottlieb 5,473,995

i. Gottlieb does not teach cut out portions

Gottlieb 5,473,995 does not teach the cut out portions required in claims 14-22.

According to the Examiner, Gottlieb teaches L-pockets at the corners, but these “pockets” are not cut out of a vertical section and a top section as required in claim 14.

ii. Gottlieb does not teach a base pad made from a folded linear tube.

New claims 14-22 require that the base pad comprise “a linear, elongated hollow tubular member” that is “folded along the fold lines into a polygonal frame.” Gottlieb ‘995 does not disclose such a base pad. Gottlieb’s base pad is not a linear, elongated hollow tubular member that is folded into a polygonal frame, but rather a substantially rectangular panel having folded edge pieces.

iii. Gottlieb does not teach a hollow tube having the claimed configuration.

Gottlieb does not teach a hollow tube having the claimed number of sections. Whether the top surface of Gottlieb’s tubular edges constitutes a “top section” as asserted by the Examiner

on page 3 of the office action or a "product supporting surface" which seems logical, a comparison of the Gottlieb base pad to claim 14 makes clear that Gottlieb is lacking at least two of the required sections that make up applicant's claimed invention. For instance, assuming that the top surface of Gottlieb's edges forms a product support surface, it is clear that Gottlieb lacks (1) "a first vertical section extending upward from the product supporting surface" (since nothing extends upward from Gottlieb's top surface), and (2) "a top section extending from the first vertical section to the outer vertical section."

Ashley 5,152,594

i. Ashley does not teach cut out portions.

Ashley 5,152,594 teaches spaces 38 located at the corners, but Ashley's spaces are not cut out of a vertical section and a top section as required in applicants' claim 14. Rather, Ashley's spaces 38 are formed from "notches in the opposite or top and bottom sides 20, 22 of the tube 18 on the interior thereof" (col. 2, lines 52-55). The vertical sides of the tube 18 are not cut out.

ii. Ashley does not teach a hollow tube having the claimed configuration.

By the same reasoning as that provided in Gottlieb above, Ashley does not teach a hollow tube having the required number of sections.

New Claim 15

New claim 15 requires holes disposed in the product supporting surface configured for receiving product feet, a limitation that neither Tarte nor Gottlieb nor Ashley teaches. Ashley teaches spaces 38 but they are not configured for receiving product feet.

New Claims 16 and 17

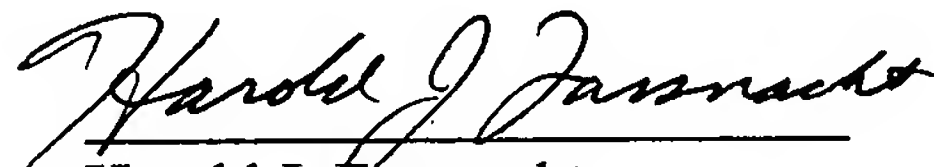
New claim 16 requires a bead integrally formed in the first horizontal (i.e. bottom)

section. Neither Gottlieb nor Ashley teach this limitation. The Examiner asserts that Tarte teaches a bead. However, Tarte's "bead" does not have opposing sides and an apex that abuts a product support surface as required by new claim 17.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed October 5, 2005, and an early and favorable action allowing claims 14-22 is respectfully requested. The Examiner is invited to telephone Applicant's undersigned attorney if any unresolved matters remain.

Respectfully submitted,

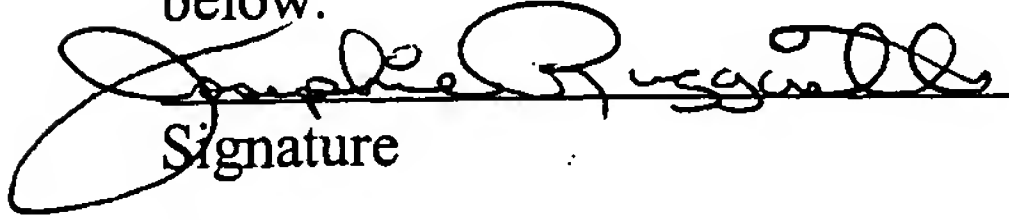

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Dated: January 3, 2006

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to the following fax number: 571-273-8300, on the date indicated below.


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FACSIMILE COVER SHEET

Date: January 4, 2006 File Number: 54-6509-00-1

To: Commissioner for Patents

Firm Name: Mail Stop NO-FEE Amendment

Fax No.: 571-273-8300

Telephone No.:

From: H. Jack Fassnacht

Re: Patent Application of James Baechle
Serial No.: 10/707,035
Filed 11/17/03
For: Tubular Structure For Supporting a Product

Total No./Pgs: 10
(including Cover Sheet)

Comments:

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